

CITY BOARD OF ZONING APPEAL #2373

DATE: October 15, 2004

DATE SCHEDULED FOR PUBLIC HEARING: October 29, 2004

LOCATION: Generally located east of 27th Street and south of Van Dorn Street.

ADDRESS: 2819 Van Dorn Street.

LEGAL DESCRIPTION: Attached.

APPLICANT: Ron Tucker
2819 Van Dorn Street
Lincoln, NE 68502

LOT AREA: 20,400 square feet, more or less.

ZONING: R-1, Residential

EXISTING LAND USE: Single Family Residential.

SURROUNDING LAND USE AND ZONING:

North:	Single family	R-1
South:	Single family	R-1
East:	Single family	R-1
West:	Single family	R-1

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.11.080(e), L.M.C. requires accessory buildings to be no more than 15 feet in height. A variance from 15 feet to 25 feet is requested.

STAFF FINDINGS:

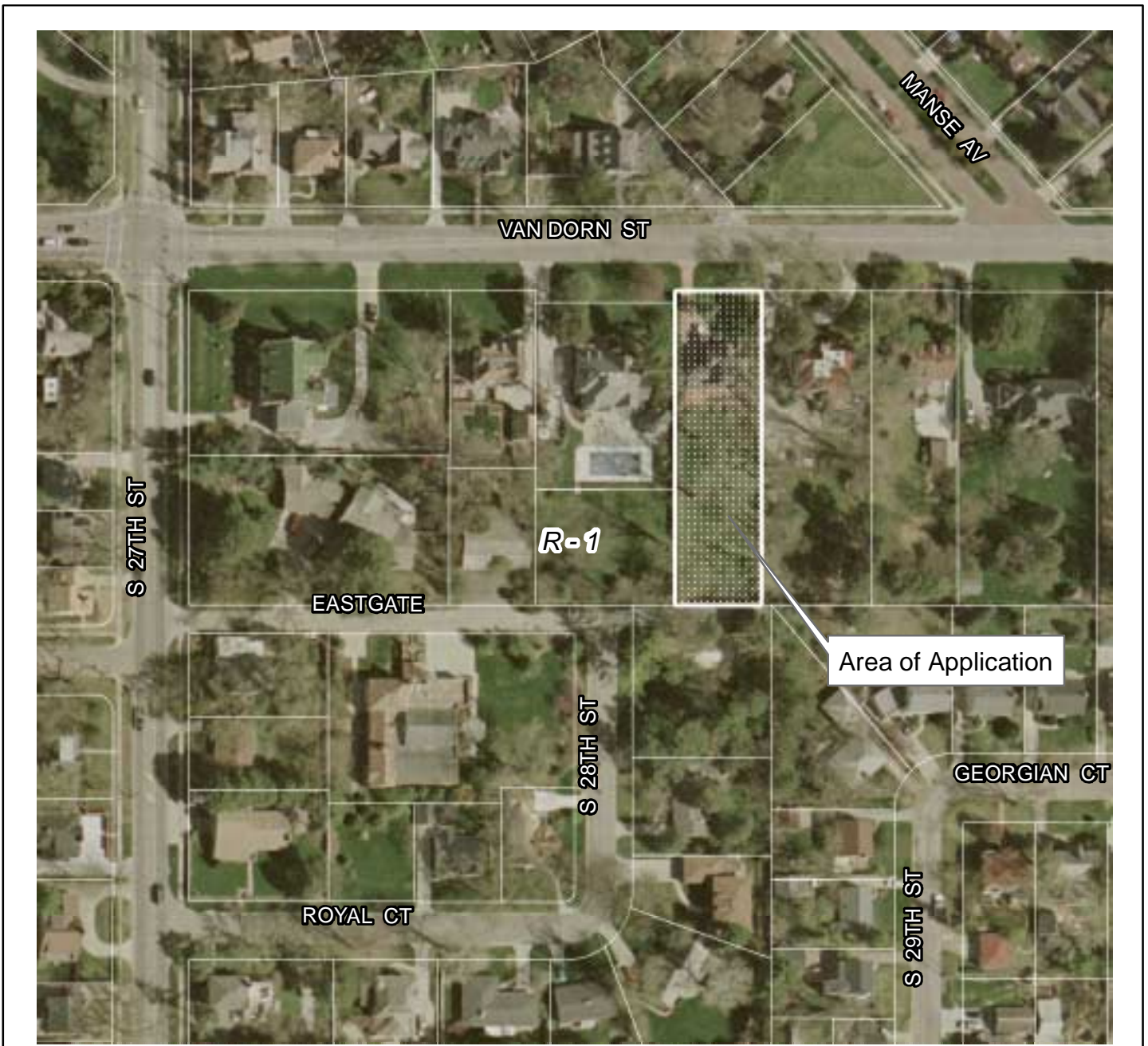
1. This is a request to construct a two story garage higher than the allowed height for accessory buildings in the required side yard setback. The proposed garage shown is 2 feet from the side lot line.
2. The house is a two story house with a two-car garage on a nearly half-acre lot. Other garages in the neighborhood are clearly subordinate to the main structure in height and size. The existing garage is approximately 7 feet from the side lot line.
3. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in

connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.”

4. The applicant stated that this property is unusual because the lot is larger and the house is large, but further indicated that the property is surrounded by similarly large lots and homes.
5. The owner indicated a desire to maintain architectural similarity and height, however, neither qualify as a basis to approve a variance from the Board of Zoning Appeals. Furthermore, a garage that matches or exceeds building height and size of the main structure is not consistent with the Tudor style.
6. The Zoning Ordinance defines Accessory Buildings as “a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises”.
7. Ed Zimmer, Historic Preservation Planner noted “the Preservation Guidelines for some of the historic districts, such as the Mount Emerald Landmark District in Near South (roughly A to E Streets, 17th to 21st Streets.) make reference to the desirability of maintaining the traditional design compatibility between main houses and their carriage houses or garages. However, a strong traditional feature of those pairs of buildings is the subordinate scale of the accessory buildings, which were typically much smaller than the main houses. The largest carriage houses or garages are associated with the largest homes and do not nearly match the houses in height or square footage”.
8. If this appeal were not granted, the owners could build the new structure within building setbacks at the desired height. The applicant could keep the structure in the proposed location but reduce the height to the allowed height of an accessory building. The Building and Safety Department indicated that if the proposed structure is located within the buildable area of the lot, the height can be consistent with the main use.
9. Since the applicant is able to build the same structure and meet all building setback requirements there does not appear to be a hardship. Furthermore, there does not appear to be anything unusual, exceptional or peculiar with this parcel of land. The circumstances with this parcel are ubiquitous throughout the neighborhood.

Prepared by

Becky Horner, 441-6373, rhorne@ci.lincoln.ne.us
Planner



2002 aerial

Board of Zoning Appeals #2373 2819 Van Dorn St.

Zoning:

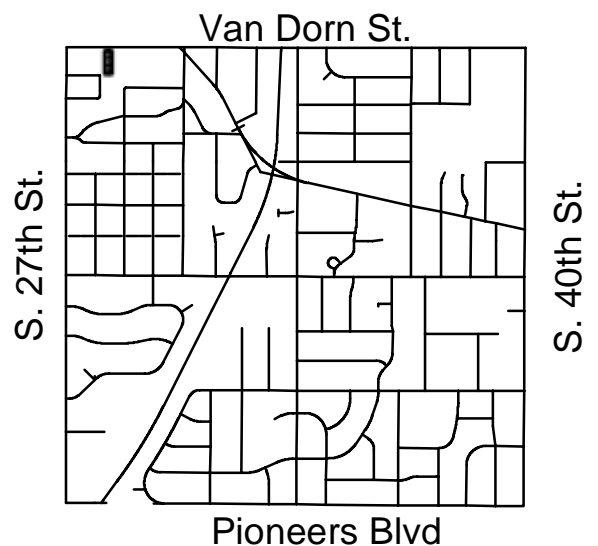
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 6 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.